

REMARKS

Claims 14-26 are pending and under consideration. Reconsideration is requested based on the following remarks.

Response to Arguments:

The Applicants acknowledge with appreciation the consideration given to their arguments, and the withdrawal of the previous grounds of rejection. Further favorable consideration is requested.

Claim Rejections - 35 U.S.C. § 102:

Claims 14, 24, 25, and 26 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0128017 to Virtanen (hereinafter "Virtanen"). The rejection is traversed. Reconsideration of the rejection is requested.

One objective of the claimed invention is to recognize and remove defective reconfigurable terminal devices as early as possible, as described at, inter alia paragraphs [0006] and [0007] of the specification. In this way the detrimental effects produced by defective reconfigurable terminal devices on the overall operation of a radio communication system might be avoided, even if their signals are not obviously aberrant. To this purpose, the second clause of claim 14 recites:

Sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation.

Virtanen, on the other hand, sends no confirmation confirming that a terminal device will be checked for proper functional integrity during operation. Virtanen, in fact, mentions no functional integrity at all. Virtanen, rather, imposes a *duty* on the serving node SGSN to send data packets to and receive data packets from the mobile stations it detects in its service area which are capable of GPRS connections. In particular, as described in Virtanen at paragraph [0019]:

It is the duty of the serving node SGSN to detect the mobile stations in its service area which are capable of GPRS connections, send data packets to and receive data packets from these mobile stations and monitor the location of the mobile stations in its service area.

Since, in Virtanen it is the duty of the serving node SGSN to send data packets to and receive data packets from the mobile stations it detects in its service area which are capable of GPRS connections, there is no reason for Virtanen to bother "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional

integrity during operation," as recited in claim 14.

Additionally, in Virtanen, the *mobile subscriber* sets the desired maximum values for the parameters describing the quality of connection, e.g. the bit rate, delay and error ratio in each subscriber profile. Thus, whether the parameters describing the quality of connection are even *set* is permissive on the part of the mobile subscriber in Virtanen. In particular, as described in Virtanen at paragraph [0022]:

The QoS profile is used for setting the allowed maximum values for the parameters describing the quality of connection. In the case of the GPRS connections these parameters may be e.g. the bit rate, delay and error ratio which are defined in the subscriber profile. By means of the mobile station MS the mobile subscriber sets the desired maximum values for the parameters in each subscriber profile, which are preferably protected with a password.

Since, in Virtanen, the mobile subscriber sets the desired maximum values for the parameters describing the quality of connection, there is no reason for Virtanen to bother "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14.

Furthermore, in Virtanen, the mobile user may try to define certain quality parameter values for the connection *himself* when he tries to use a GPRS data service. In particular, as described in Virtanen at paragraph [0023]:

When the mobile user tries to use a GPRS data service, i.e., activate the data service routing context, he may simultaneously try to define certain quality parameter values for the connection himself, i.e., make a QoS service request to the network.

Since, in Virtanen, the mobile user may try to define certain quality parameter values for the connection himself when he tries to use a GPRS data service, there is no reason for Virtanen to bother "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14.

Furthermore, in Virtanen, the maximum values of the QoS parameters used on the connection are determined by the available *resources* of the GPRS system if no QoS profile is defined for the subscriber profile. In particular, as described in Virtanen at paragraph [0023]:

If no QoS profile is defined for the subscriber profile, the maximum values of the QoS parameters used on the connection are determined by the available resources of the GPRS system.

Since, in Virtanen, the maximum values of the QoS parameters used on the connection are determined by the available resources of the GPRS system if no QoS profile is defined for the

subscriber profile, there is no reason for Virtanen to bother "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14.

Finally, in Virtanen, the mobile *user* may choose to establish a connection with the offered values of the QoS parameters. In particular, as described in Virtanen at paragraph [0024]:

In that case the mobile user may choose to establish a connection with the offered values of the QoS parameters or choose not to establish a connection at all.

Since, in Virtanen, the mobile user may choose to establish a connection with the offered values of the QoS parameters, there is no reason for Virtanen to bother "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as recited in claim 14.

The third clause of claim 14 recites:

Authorizing operation of the terminal device in the radio communication system only upon said terminal having received said confirmation.

Virtanen neither teaches, discloses, nor suggests, "authorizing operation of the terminal device in the radio communication system only upon said terminal having received said confirmation," as recited in claim 14. Virtanen is not "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," at all, as discussed above. In Virtanen, rather, subscriber-specific maximum values are checked in a database including subscriber data in response to the fact that the *terminal* requests connection establishment defined with quality of service parameters. If, on the other hand, the terminal does *not* request connection establishment defined with quality of service parameters, then the terminal simply connects. In particular, as described at paragraph [0008]:

According to a preferred embodiment of the invention, subscriber-specific maximum values are checked in a database including subscriber data in response to the fact that the terminal requests connection establishment defined with quality of service parameters, whereafter the quality of service parameters requested by the terminal are compared with the subscriber-specific maximum values of the quality of service parameters and either of the following procedures is performed: a connection is established in response to the fact that the quality of service parameters requested by the terminal are within the limits defined by the maximum values of said quality of service parameters, or establishment of a connection is rejected in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for said quality of service parameter.

Since, in Virtanen, subscriber-specific maximum values are checked in a database including subscriber data in response to the fact that the terminal requests connection establishment defined with quality of service parameters, there is no reason for Virtanen to bother checking the functional integrity of the terminal device, let alone "authorizing operation of the terminal device in the radio communication system only upon said terminal having received said confirmation," as recited in claim 14.

Furthermore, in Virtanen, the service environment CSE checks the subscriber's service definition data in the home location register HLR, visitor location register VLR or directly in the SCP element of the network in question, not the functional integrity of the terminal device. In particular, as described at paragraph [0029]:

As was stated above, in the CAMEL system the service environment CSE corresponds to this element, i.e. it checks the subscriber's service definition data in the home location register HLR, visitor location register VLR or directly in the SCP element of the network in question.

Since, in Virtanen, the service environment CSE checks the subscriber's service definition data in the home location register HLR, visitor location register VLR or directly in the SCP element of the network in question, there is no reason for Virtanen to bother checking the functional integrity of the terminal device, let alone "authorizing operation of the terminal device in the radio communication system only upon said terminal having received said confirmation," as recited in claim 14.

Finally, in Virtanen, the SCP element checks the subscriber-specific maximum values defined for the QoS parameters, not the functional integrity of the terminal device. The service control point SCP decides whether to continue or terminate connection establishment, or alternatively offers connection establishment with values lower than the requested QoS parameters, rather than "authorizing operation of the terminal device in the radio communication system only upon said terminal having received said confirmation," as recited in claim 14. In particular, as described at paragraph [0030]:

The SCP element checks the subscriber-specific maximum values defined for the QoS parameters and compares these with the requested QoS parameters. On the basis of this comparison the service control point SCP decides whether to continue or terminate connection establishment, or alternatively offers connection establishment with values lower than the requested QoS parameters.

Since, in Virtanen, the SCP element checks the subscriber-specific maximum values defined for the QoS parameters, Virtanen is not checking the functional integrity of the terminal device at all,

let alone "authorizing operation of the terminal device in the radio communication system only upon said terminal having received said confirmation," as recited in claim 14. Claim 14 is submitted to be allowable. Withdrawal of the rejection of claim 14 is earnestly solicited.

Claim 24:

The fourth clause of claim 24 recites:

Receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation.

Virtanen is not "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claim 14. Since Virtanen is not sending a confirmation, Virtanen cannot be "receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation," either. Virtanen, rather, is not checking the functional integrity of the terminal device at all, let alone "receiving the confirmation signal indicating that said terminal device will be checked for proper functional integrity during operation," as recited in claim 24.

The fifth clause of claim 24 recites:

Only permitting further operation of said terminal device if said receive device has received the confirmation signal.

Virtanen neither teaches, discloses, nor suggests, "only permitting further operation of said terminal device if said receive device has received the confirmation signal," as discussed above with respect to the rejection of claim 14. Virtanen, rather, is not checking the functional integrity of the terminal device at all, let alone "only permitting further operation of said terminal device if said receive device has received the confirmation signal," as recited in claim 24. Claim 24 is submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 14. Withdrawal of the rejection of claim 24 is earnestly solicited.

Claim 25:

The second clause of claim 25 recites:

Receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system.

Virtanen is not "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as discussed above with

respect to the rejection of claim 14. Since Virtanen is not sending a confirmation, Virtanen cannot be "receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system," either. Virtanen, rather, is not checking the functional integrity of the terminal device at all, let alone "receiving a confirmation signal from the confirmation unit of the communication system, indicating that that said terminal device will be checked for proper functional integrity during operation in the communication system," as recited in claim 25.

The third clause of claim 25 recites:

Only permitting further operation of said terminal device if said receive device has received the confirmation signal.

Virtanen is not "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claim 14. Since Virtanen is not sending a confirmation, Virtanen cannot be "only permitting further operation of said terminal device if said receive device has received the confirmation signal," either. Virtanen, rather, is not checking the functional integrity of the terminal device at all, let alone "only permitting further operation of said terminal device if said receive device has received the confirmation signal," as recited in claim 25. Claim 25 is submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 14. Withdrawal of the rejection of claim 25 is earnestly solicited.

Claim 26:

The second clause of claim 26 recites:

Generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system.

Virtanen is not "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claim 14. Since Virtanen is not sending a confirmation, Virtanen cannot be "generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during operation in the communication system," either. Virtanen, rather, is not checking the functional integrity of the terminal device at all, let alone "generating a confirmation signal, from which it can be inferred that the at least one terminal device will be checked for proper functional integrity during

operation in the communication system," as recited in claim 26. Claim 26 is submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 14. Withdrawal of the rejection of claim 26 is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 15, 16, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Virtanen in view of U.S. Patent No. 6,760,444 to Leung (hereinafter "Leung"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 15, 16, and 17 depend from claim 14 and add further distinguishing elements. Virtanen is not "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claim 14. Leung does not either, and thus cannot make up for the deficiencies of Virtanen with respect to claims 15, 16, and 17. Thus, even if Virtanen and Leung were combined, as proposed in the Office Action, the claimed invention would not result. Claims 15, 16, and 17 are thus also submitted to be allowable. Withdrawal of the rejection of claims 15, 16, and 17 is also earnestly solicited.

Claims 18 and 19:

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Virtanen and Leung in view of U.S. Patent No. 6,170,006 to Namba (hereinafter "Namba"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 18 and 19 depend from claim 14 and add additional distinguishing elements. Neither Virtanen nor Leung are "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claim 17. Namba does not either, and thus cannot make up for the deficiencies of either Virtanen or Leung with respect to either of claims 18 or 19. Thus, even if Virtanen, Leung, and Namba were combined, as proposed in the Office Action, the claimed invention would not result. Claims 18 and 19 are submitted to be allowable. Withdrawal of the rejection of claims 18 or 19 is earnestly solicited.

Claims 20-23:

Claims 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Virtanen, Leung, and Namba in view of U.S. Patent Application Publication No. 2003/0236991 to Letsinger (hereinafter "Letsinger"). The rejection is traversed. Reconsideration is earnestly

solicited.

Claims 22 and 23 depend from claim 14 and add additional distinguishing elements. Neither Virtanen, Leung, nor Namba are "sending a confirmation from a confirmation unit confirming that the terminal device will be checked for proper functional integrity during operation," as discussed above with respect to the rejection of claims 18 or 19. Letsinger does not either, and thus cannot make up for the deficiencies of either Virtanen, Leung, Flykt, or Namba with respect to claims 20-23. Thus, even if Virtanen, Leung, Namba, and Letsinger were combined, as proposed in the Office Action, the claimed invention would not result. Claims 20-23 are submitted to be allowable. Withdrawal of the rejection of claims 20-23 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 14-26 are allowable over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

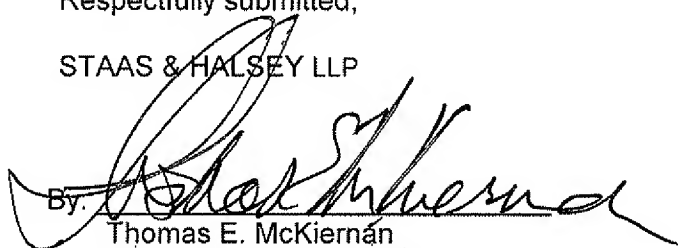
Respectfully submitted,

STAAS & HALSEY LLP

Date:

08/10/07

By:



Thomas E. McKiernan
Registration No. 37,889

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501